



Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

The application has been placed in the examiner's electronic docket (albeit with the status incorrect, but enabling the case to be worked on); hence the examiner will proceed with putting dependent claims 176-180 into independent form, which dependent claims were not included in the obviousness double patenting rejection that was affirmed in this CAFC decision of 12/8/2011.

Discussed the clearest way of combining these dependent claims (plus intervening dependent claims) with independent claim limitations. The examiner's amendment will add the dependent claim limitations to their respective independent claim, as the easiest way least likely to introduce errors.

Applicants' representative inquired if the dependent claims from these independent claims could not also be allowed, however the examiner noted that according to the MPEP 1214.06 I, the examiner's required to cancel all claims in which the rejections have been affirmed (including dependent claims objected to as having allowable subject matter before the appeal); & only issue in independent form, dependent claims where all rejections were reversed (claims 176-180 are being considered the equivalent thereof, as they were not indicated to be allowable & objected to before the appeal, but withdrawn from consideration in the 112 rejection during the appeal); as prosecution is otherwise closed, amendments which change scope, i.e. making dependent claims not previously dependent from the limitations of claims 176-180, dependent from the amended claims containing the limitations of claims 176-180, is not permissible.